

Notice of Allowability

Application No.

09/981,496

Examiner

Marie R. Yamnitzky

Applicant(s)

KWONG ET AL.

Art Unit

1774

en

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 10 June 2004.
2. ☒ The allowed claim(s) is/are 162 and 163.
3. ☒ The drawings filed on 17 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

No extension of time is necessary to make this informal examiner's amendment which corrects the volume and page number for a literature citation in the specification, updates the status of cited copending applications and provides a spelling correction. The propriety of the correction of volume and page number for the Adachi et al. reference was confirmed by review of the article by Adachi et al. in *Appl. Phys. Lett.*, 2000, the article being of record in the present application.

The following changes were not necessary to put the claims in condition for allowance.

The specification has been amended as follows:

In line 5 of the paragraph beginning on page 2, line 22 (replacement paragraph filed November 05, 2003):

"78, 1704" has been changed to --77, 904--.

In lines 12-13 of the paragraph beginning on page 2, line 22 (replacement paragraph filed November 05, 2003):

"09/274,609; 09/311,126; 09/452,346;" has been changed to
--09/274,609, now abandoned; 09/311,126, now abandoned; 09/452,346, now abandoned;--.

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In line 23 of the paragraph beginning on page 19, line 23 (replacement paragraph filed November 05, 2003):

“09/274,609; 09/311,126; 09/452,346;” has been changed to
--09/274,609, now abandoned; 09/311,126, now abandoned; 09/452,346, now abandoned;--.

In line 18 of the paragraph beginning on page 28, line 27 (replacement paragraph filed November 05, 2003):

“09/274,609; 09/311,126; 09/452,346;” has been changed to
--09/274,609, now abandoned; 09/311,126, now abandoned; 09/452,346, now abandoned;--.

Page 13, line 30: “sembodiments” has been changed to --embodiments--.

Page 31, line 10: “November 17, 1997,” has been changed to
--November 17, 1997, now U.S. Patent No. 6,337,102,--.

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Any inquiry concerning this communication should be directed to Marie R. Yamnitzky at telephone number (571) 272-1531. The examiner works a flexible schedule but can generally be reached at this number from 6:30 a.m. to 4:00 p.m. Monday, Tuesday, Thursday and Friday, and every other Wednesday from 6:30 a.m. to 3:00 p.m.

The current fax number for Art Unit 1774 is (703) 872-9306 for all official faxes. (Unofficial faxes to be sent directly to examiner Yamnitzky can be sent to (571) 273-1531.)

MRY
June 22, 2004



MARIE YAMNITZKY
PRIMARY EXAMINER

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